

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES BURNSIDE, et al.,

Plaintiffs,

v.

PETERBILT MOTORS COMPANY, et al.,

Defendants.

3:17-CV-2121  
(JUDGE MARIANI)

FILED  
SCRANTON

JUN 28 2018

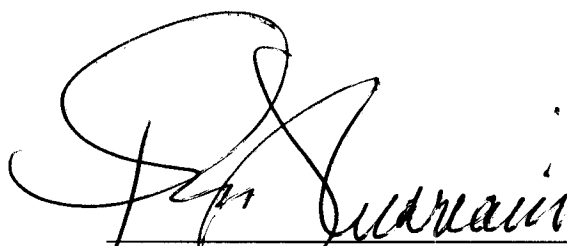
PER Amo  
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ORDER

AND NOW, THIS 28TH DAY OF JUNE, 2018, upon consideration of Defendant Peterbilt Motors Company's Motion to Dismiss, (Doc. 26), **IT IS HEREBY ORDERED THAT:**

1. The Motion, (Doc. 26), is **GRANTED IN PART AND DENIED IN PART** as follows:
  - a. The Motion is **GRANTED** to the extent that it seeks dismissal of Plaintiffs' claims against Defendant Peterbilt due to lack of personal jurisdiction. All of Plaintiffs' claims against Defendant Peterbilt are **DISMISSED WITHOUT PREJUDICE** for lack of personal jurisdiction.
  - b. The Motion is **DENIED** in all other respects. Such denial, however, will be **WITHOUT PREJUDICE** to Defendant Peterbilt's right to file a subsequent motion to dismiss in the event that Plaintiffs amend their Complaint.
2. Plaintiffs **MAY AMEND** their Complaint with respect to Defendant Peterbilt within **sixty (60) days** from the date of this Order. During that time, Plaintiffs may engage

in limited discovery relevant to the question of whether this Court may assert personal jurisdiction over Defendant Peterbilt.



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Robert D. Mariani  
United States District Judge